



Government of the District of Columbia
Department of Health



899 NORTH CAPITOL ST. NE- 2ND FLR
WASHINGTON, DC 20002

December 18, 2013

10:30 am - 11:30 am

**BOARD OF MEDICINE
OPEN SESSION MINUTES**

BoMed Mission Statement:

"To **protect** and enhance the health, safety, and well-being of District of Columbia residents by **promoting** evidence-based best practices in health regulation, high standards of quality care and implementing policies that **prevent** adverse events."



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BOARD MEMBERSHIP/ATTENDANCE:

BOARD MEMBERS:		
	JANIS ORLOWSKI, MD (JO)	
	MARC RANKIN, MD (MR)	ABSENT
	ANITRA DENSON, MD (AD)	
	LAWRENCE MANNING, MD (LM)	ABSENT
	ANDREA ANDERSON, MD (AA)	
	THOMAS DAWSON, ESQ. (TD)	
	LISA FITZPATRICK, MD (LF)	
	BRENDAN FURLONG, MD (BF)	
	BERNARD ARONS, MD (BA)	
	JEFFREY SMITH, MD (JS)	
	KELLY ANN COLDEN, MD (KC)	
	HOWARD LIEBERS, MPH (HL)	
	TERRENCE STRAUB (TS)	
STAFF:	JACQUELINE WATSON, DO, MBA – EXEC. DIRECTOR	
	LISA ROBINSON – HEALTH LICENSING SPECIALIST	
	AISHA WILLIAMS – HEALTH LICENSING SPECIALIST	
	DENIZ SOYER - HEALTH LICENSING SPECIALIST	
	MARY HARRIS – HEALTH LICENSING SPECIALIST	
	EMILIA MORAN – INVESTIGATOR	
	DIANE MOORER – IT SUPPORT	ABSENT
LEGAL STAFF:	BRIAN KIM, ESQ. – BOARD ATTORNEY ADVISOR	
	AJAY GOHIL, ESQ. – ASST. BOARD ATTORNEY ADVISOR	



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OPEN SESSION – 10:30 – 11:30 am

OS-13-082 ALL	<u>OPEN SESSION MINUTES</u> The Board considered the Open Session minutes of November 27, 2013. Motion: Approve. Seconded Passed unanimously	
OS-13-083 ALL	<u>OPEN CONSENT AGENDA</u> The Board considered the current December 18, 2013 Open Consent Agenda. Motion: Approve. Seconded Passed unanimously	
OS-13-084 ALL	<u>PRESENTATIONS:</u> 1. <u>DC Home Health Association</u> Presentation by Eric Walcott, Executive Director of DC Home Health Association, regarding the 30-day signature rule for beneficiaries Plans of Care. Mr. Walcott presented with Dr. Solange Vivens and board member Ms. Tippi Hampton. They explained that home health agencies are affected by the 30-day signature rule for physicians—it has created a major problem as physicians are not complying, which leads to Medicaid denials. Even 1 day late triggers a denial of all services. Dr. Vivens stated that the law now requires that the treating physicians must be a Medicaid provider. Many of the physicians at her facility are not, and therefore approximately 60 patients at her facility will have to be discharged with no access to care.	



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	<p>The Board Chair suggested that the process be streamlined to facilitate making it easier for physicians to comply. For example, using an online form, and working with the Medicaid department. Mr. Walcott explained that they have met several times with Wayne Turnage and other leaders in the Department of Health Care Finance, and are very frustrated with the lack of understanding and solution to the problem.</p> <p>The Chair stated the Board is happy to work with them as appropriate. Ms. Hampton offered her services as a liaison and provider of resources to the Board to clarify any information.</p> <p>The Chair offered that they could submit an article for the upcoming newsletter to inform providers about their obligation in this area.</p>	
OS-13-085 All	<p><u>BOARD/DEPARTMENT's REPORT</u></p> <p>In this segment, discussion can be held on issues and/or activities pertaining to the activities of the Board/Department. Presenters may be members of the Board, staff, or public.</p> <p><u>A. EXECUTIVE DIRECTOR'S REPORT</u></p> <p>1. BoMed Calendar The ED reported the next full Board meetings will be January 29, 2014, with open session at 10:30 am.</p> <p>2. BoMed Stats The ED reported the following stats: As of December 18 there are 12,486 licensees under the Board's purview.</p> <ul style="list-style-type: none">• 9,792 MD/DO• 1,495 Medical Training Licenses (MTL)	JW BK



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- 238 Medical Training Registrants (MTR)
- 150 Acupuncturists (AC)
- 32 Anesthesiologist Assistants (AA)
- 34 Naturopathic Physicians (ND)
- 602 Physician Assistants (PA)
- 71 Polysomnographers (PSGT)
- 72 Surgical Assistants (SA)

For December:

43 unrestricted licensure applications and 21 training applications were received in processing department.

46 Licenses have been issued

- 25 were unrestricted (24 MD and 1 SA)
- 21 Medical Training Licenses (11 Type 1A and 10 Medical Training Registrant)

Discipline Data:

For December - 2 complaints have been received. No other actions issued.

3. Licensing and Discipline Audit Stats

ED reported that staff has completed its licensing and discipline audits

FY 2013 Audit Report:

Licensing:

In FY 2013 903 new licenses were issued. 89 were randomly audited (10%).

The average life cycle of an application is 71 days (from receipt to approval)

On average, >90% of clean applications are approved within 4 days of review by the HLS.

A question was asked about what is the acceptable average amount of time for obtaining a license among



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other states. The ED provided information that indicated that is varied from state to state, but 60 days or less is the average minimum recommended. The Chair then requested that staff set the goal to reduce our life cycle from 71 days to 66 days (a 6% increase) by the end of FY 2014. She further challenged staff to stretch to decrease approval time by 10% overall, if possible (71 days to 61 days).

Discipline:

In FY 2013 96 orders were issued: 59 public, 37 private.
47 were audited (49%): 32 public, 15 private.
Of the 32 public, 6 were deemed noncompliant (19%)
Of the 15 private, 4 were deemed noncompliant (26%)

The ED informed the Board that the noncompliant licensees were sent notifications and given deadlines to come into compliance or face further disciplinary action by the Board.

4. FYI Articles
- a) The Road Toward Fully Transparent Medical Boards
 - b) Substance Abuse Resurfaces Among Anesthesiologists in Training
 - c) The Most Polarizing Topics in Healthcare IT
 - d) Selecting Tomorrow's Physicians...
 - e) 25,000 Doctors Have Their Licensed Renewed in First Year of Checks
 - f) Ethical Dilemmas in Clerkship Rotations

ADDITIONAL DISCUSSION

The ED informed the Board about a recent visit from the Saudi Arabian Director of Professional Regulation. The meeting was held at the request of the GWU and the purpose was to share how HRLA conducted its business around licensure and



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discipline and to explore opportunities for a mutually collaborative relationship in the future. The ED informed the Board that a multidisciplinary group of HPLA representatives were gathered and the meeting was mutually rewarding and served as another outreach activity engaged in on behalf of the Board.

The ED also encouraged Board members to consider nominating themselves to sit on various FSMB committees. She stated that this was an excellent opportunity for members to learn more about best practices in the regulatory process. Dr. Anderson indicated that she would be interested in sitting on one of the committees on behalf of the Board. She will discuss further with the ED.

B. BOARD ATTORNEY'S REPORT

a) FSMB Attorney Workshop Update

The Board attorney provided a written update on the Attorney Workshop he attended. License portability and telemedicine were big topics. Model corrective actions were also discussed--the Board attorney will provide written information on that topic. He also reported there was also an interesting presentation on the ethical dilemmas faced by Board attorneys and Board members. He recommended that presenter present to our Board. The Chair suggested it be at the next Board retreat. The Board attorney will send all materials from the workshop electronically to the members.

b) BoMed Regulatory changes update:

- Anesthesiology Assistants
- Acupuncture
- Surgical Assistants



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- Perfusionists
- Trauma Technologists
- PA amendments

The Board attorney informed the Board that all the listed regulations are being worked on, including Telemedicine and Medispa regulations, but it is a huge undertaking, and by itself is a full time job for an attorney. He requested legal help. The Chair stated that he has the Board's support, and should lay out his request in writing and go through the appropriate legal channels.

He reported that he and the ED are working with the Department to address staffing needs required to get the work of the Board done. The ED asked the Board to consider prioritizing what needed to be done in the new fiscal year. The Board Chair agreed that further guidance on this will be forthcoming and can be discussed with her in the next Board Chair Administrative meeting with staff.

The Board attorney also gave a comprehensive report on the case from North Carolina that is before the Supreme Court, between the Board of Dentistry and Cosmetic Arts. He explained that it was alleged by the NC Dental Board that teeth whitening services being provided by non-dentists are actually the practice of dentistry. The FTC sided with the Board of Cosmetic Arts, and sued the Board of Dentistry for violation of the antitrust laws. It was ultimately decided that the Board acted in a private capacity (not as a state actor) to benefit private participants, because the NC Board members were elected by members of the Dental Association. Therefore, the FTC can regulate them. The Board attorney pointed out this could not happen to the DC Board, because they are appointed by the Mayor, and therefore act as an arm of the government, on behalf of the State (public).



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OS-13-086 ALL	<p><u>MLT CONSULTANTS</u></p> <p>Consideration of the request for approval to offer CME at two events offered by MLT Consultants— "Introduction to Harmonization in Healthcare" and "Operational Strategic Management for the Healthcare Industry."</p> <p>Board determined that this was not a matter they would approve and instructed staff to send a response recommending that they pursue the appropriate accreditation bodies for approval.</p>	JW
OS-13-087 ALL	<p><u>NPDB GUIDEBOOK</u></p> <p>FYI - Copy of the NPDB Guidebook is provided for the Board's information.</p> <p>Table for Board to read—return to next agenda.</p>	JW

The Minutes continues on the next page with the Open Session Addendum Items.



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OPEN SESSION ADDENDUM:

<p>OS-13-088</p> <p>ALL</p>	<p><u>PRESENTATION:</u></p> <p><u>COLLABORATIVE PRACTICE</u></p> <p>Presentation by David W. Wilmot, Esq. of Harmon & Wilmot, LLP, counsel to PhRMA. Mr. Wilmot will address the Board regarding a request that additional language be added to regulation being drafted by the Board of Pharmacy.</p> <p>Mr. Wilmot presented on the mandate for BOM and BOP to collaboratively create regulations around collaborative care agreements between pharmacists and physicians. He is proposing that the collaborative care agreements be between 1 physician, 1 pharmacist, and 1 patient, not multiples. They would like the regulation to state the agreements are for 6 months, and would be re-reviewed.</p> <p>Patricia D'Antonio, ED for the Board of Pharmacy, informed the Board that BOP is currently researching what other states do, and intends to meet with BOM regarding this. So far in DC, pharmacies are limited in what they are allowed to do (i.e. influenza treatment, vaccinations, etc). Other states have broadened their scope.</p> <p>The ED informed the Board that at this time neither her nor the Board attorney have participated with BOP on this matter. The BOP attorney has been working on the draft, and stated she will share with BoMed counsel and ED once completed.</p> <p>The Board Chair stated that the Board will make themselves available to review recommendations drafted by BOP once ready for comment.</p>	
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The Minutes continue on the next page with the Open Consent Items.



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APPROVED CLEAN APPLICATIONS

OC-13-011 - APPROVED APPLICATIONS FOR LICENSURE

National Board Applicants:

The following applicants were approved based on successful completion of the examination administered by the National Board of Medical Examiners (NBME) or the National Board of Osteopathic Medical Examiners (NBOME).

NBME:

Jordan, David
Feldheim, Deborah
Vega-Bermudez, Franciso

NBOME:

n/a

FLEX Examination:

The following applicants were licensed based on successful completion of the FLEX examination.

N/A

USMLE Applicants:

The following applicants were approved based on successful completion of the USMLE examination:

Took USMLE in D.C.

N/A



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Took USMLE Outside of D.C.

Lipsmeyer, Christopher
Abdulla, Farah
Garg, Ruchi
Baua, Rosita Alyssa
Verma, Shweta
Sufrin, Carolyn
Emejuru, Jason
Gouvernayre, Alice
Stein, Benjamin
Usman, Saif
Kitay, Alison
LaMirand, Thania
Pearson, Adam
Korzan, Anna

Endorsement:

N/A

Temporary Licenses (90-day)

N/A

Step 3

N/A

Took Combo:

N/A



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LMCC:

N/A

Complex:

N/A

State Constructed:

N/A

MD/DO Reinstatement Applicants:

Alchalabi, Tania
Alam, Hasan
Jung, Flavia

MD/DO Reactivation Applicants:

Heinz-Momcilovic, Libuse

Acupuncturist:

The following applicant was approved for an acupuncturist license and reinstatement (NCCAOM).

N/A

Physician Assistants:

The following applicants were approved for physician assistant licenses (NCCPA).

N/A



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PA Reinstatements:

N/A

Surgical Assistants:

The following applicants were approved for surgical assistant licenses:

Pieri, Frederick

Anesthesiology Assistants:

The following applicant was approved for anesthesiologist assistant licenses:

N/A

Naturopathic Physician:

The following applicant was approved for a naturopathic physician license (NPLEX).

N/A

Eminence II:

N/A

Polysomnographers:

N/A

Alternative Pathway:

N/A



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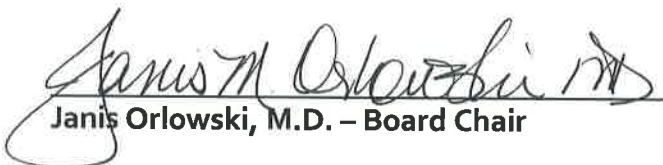


Temporary "Affiliated With":

N/A

This ends the Open Session Minutes.

Approved:


Janis Orlowski, M.D. – Board Chair

1-29-14
Date

[Submitted by HLS Lisa A. Robinson]